

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 SHAWN SHERELLE WILLIAMS,

8 Plaintiff,

9 v.

10 JAMES KEY,

11 Defendant.

NO. 2:19-CV-0310-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

12 BEFORE THE COURT is the Court's Order to Comply with Filing Fee
13 Requirements. ECF No. 9. The Court has reviewed the record and files herein,
14 and is fully informed. For the reasons discussed below, this action is dismissed
15 without prejudice.

16 The civil rights complaint was received in this district and filed on
17 September 11, 2019. ECF No. 6. On November 13, 2019, Plaintiff was advised
18 that before the Court may proceed with Plaintiff's civil action, he must either pay
19 the applicable filing fee of \$400.00 (\$350.00 filing fee, plus \$50.00 administrative
20 fee) or comply with the *in forma pauperis* statute. ECF No. 9. Plaintiff was

1 warned that failure to do either within 30-days would result in the dismissal of this
2 case. *Id.* No filing fee or in forma pauperis application has been filed.

3 Parties filing actions in the United States District Court are required to pay
4 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
5 payment of a filing fee only upon granting of in forma pauperis status. *See* 28
6 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
7 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
8 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
9 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
10 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay
11 required filing fees).

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 This action is DISMISSED without prejudice for failing to pay the filing fee
14 or filing a properly completed Application to Proceed In Forma Pauperis pursuant
15 to 28 U.S.C. §§ 1914(a) and 1915(a).

16 The District Court Executive is directed to enter this Order, enter judgment
17 accordingly, furnish a copy to Plaintiff, and **CLOSE** the file.

18 **DATED** January 15, 2020.



Thomas O. Rice
THOMAS O. RICE
Chief United States District Judge